

IN RE: PETITION FOR ZONING VARIANCE * BEFORE THE
W/S Meadow Mist Court, 211.4' SW of the c/l of Bentley Hill Drive * DEPUTY ZONING COMMISSIONER
(6 Meadow Mist Court) * OF BALTIMORE COUNTY
4th Election District * Case No. 90-201-A
3rd Councilmanic District *
Joseph E. Rhodes, et ux
Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing dwelling in accordance with Petitioner's Exhibit 1.

The Petitioners, by J. Mary H. Rhodes, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 6 Meadow Mist Court, consists of .228 acres zoned D.R. 3.5 and is improved with a single family dwelling. Petitioner testified that she and her husband purchased the subject property 12 years ago at which time it was discovered that the house, which was built 20 years ago, did not meet zoning regulations as to rear yard setback requirements. Testimony indicated that the attorneys handling the property settlement had set aside money in the escrow account to cover the costs to correct the error and Petitioners assumed the matter had been resolved. Petitioners recently became aware that the property still remained in violation of the zoning regulations and subsequently filed the instant petition to correct the error. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the opinion of the Deputy Zoning

Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.) and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 5th day of December, 1989 that the Petition for Zoning Variance to permit a rear yard setback of 25 feet in lieu of the required 30 feet for an existing dwelling in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

- 1) The Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the variance granted will be rescinded and Petitioners will be responsible for bringing the property into compliance with the zoning regulations.

ANN:bjs

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

December 5, 1989

Mr. & Mrs. Joseph E. Rhodes
6 Meadow Mist Court
Reisterstown, Maryland 21136

RE: PETITION FOR ZONING VARIANCE
W/S Meadow Mist Court, 211.4' SW of the c/l of Bentley Hill Drive
(6 Meadow Mist Court)
4th Election District - 3rd Councilmanic District
Joseph E. Rhodes, et ux - Petitioners
Case No. 90-201-A

Dear Mr. & Mrs. Rhodes:

Enclosed please find a copy of the decision rendered in the above captioned matter. The petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ANN:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-201-A
The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a
Variance from Section 1. 301-38 (2004) to permit a
rear yard set back of 25 feet in lieu
of the required 30 feet.

of the Zoning Regulations of Baltimore County to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)

House was purchased with deficient set back and owners wish to correct problem.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature: _____
Address: _____
City and State: _____
Attorney's Telephone No.: _____
Name, address and phone number of legal owner, contract purchaser or representative to be contacted: _____
Name: _____
Address: _____
City and State: _____
Phone No.: _____

ORDERED By The Zoning Commissioner of Baltimore County, this 28 day of Sept 1989.

of 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 28 day of NOV, 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County

(over)

SPELLMAN, LARSON
& ASSOCIATES, INC.

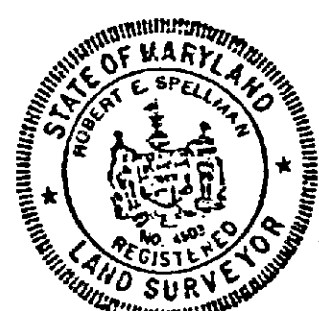
SUITE 110 - JEFFERSON BUILDING
105 W. CHESAPEAKE AVENUE
TOWSON, MARYLAND 21204
823-3535

ROBERT E. SPELLMAN, P.L.L.
JOSEPH L. LARSON
LOUIS J. PIASECKI, P.E.

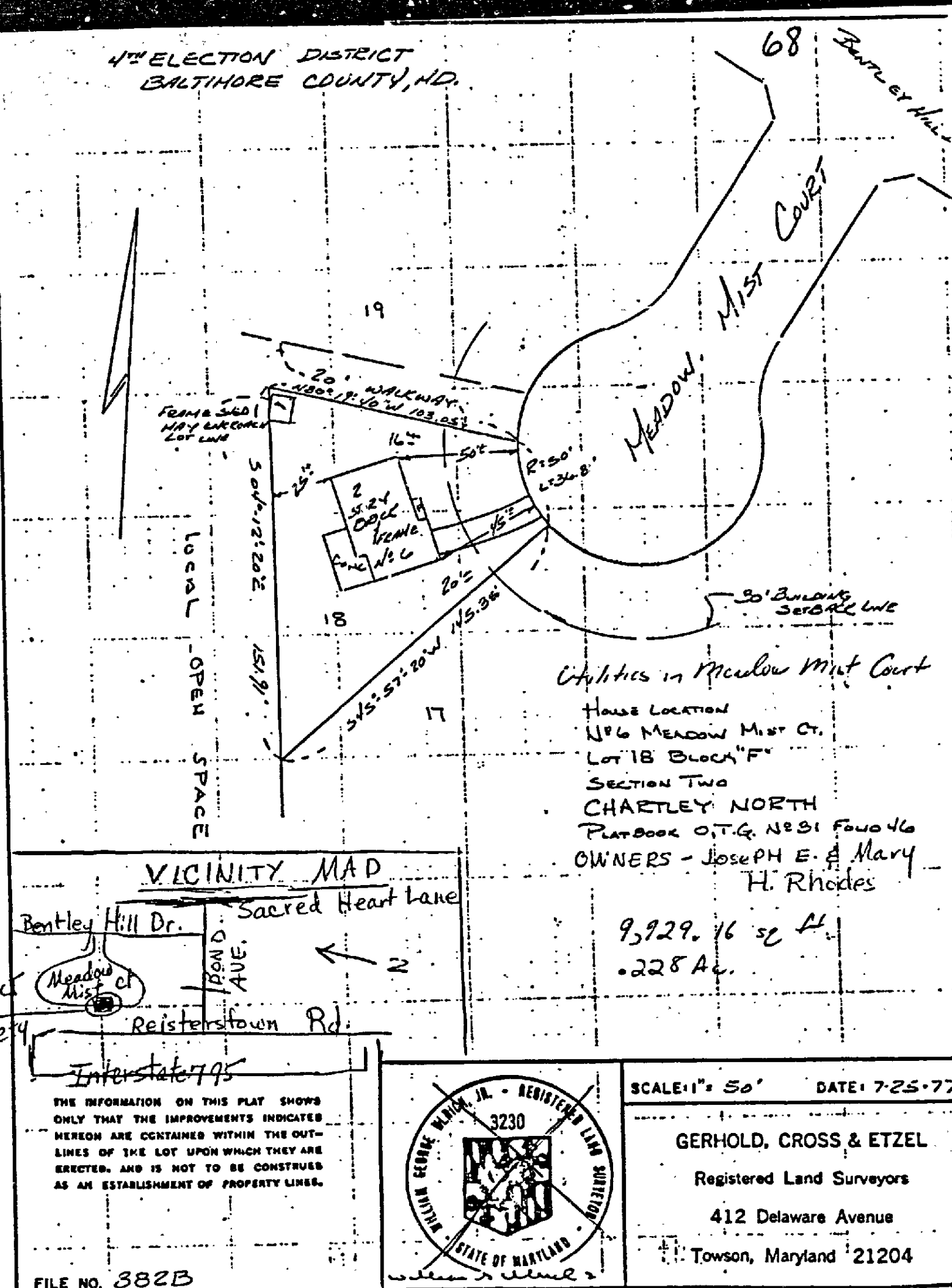
DESCRIPTION FOR VARIANCE TO ZONING, NO. 6 MEADOW MIST COURT, 4TH DISTRICT, BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point on the West side of Meadow Mist Court, having a radius of 50 feet, at the distance of 186.4 feet more or less measured southwesterly from the intersection of Meadow Mist Court and Bentley Hill Drive, 50 feet wide and running thence North 80 Degrees 19 Minutes 40 Seconds West 103.05 feet thence South 04 Degrees 12 Minutes 20 Seconds East 151.91 feet to a point thence North 45 Degrees 57 Minutes 20 Seconds East 145.35 feet, said curve being subtended by a chord bearing North 22 Degrees 57 Minutes 05 Seconds West 35.99 feet to the place of beginning. Said parcel of land also being designated as Lot 18, Section Two, Chartley North and recorded among the Land Records of Baltimore County in Plat Book O.T.G. 31 Folio 46. Containing 0.228 Acres of land, more or less.

7/23/79



RESIDENTIAL & COMMERCIAL DEVELOPMENT DESIGN • LAND SURVEYING
LAND PLANNING • REDEVELOPMENT STUDIES • REAL ESTATE STUDIES • ESTIMATING
GRADING STUDIES • LOCATION SURVEYS • TECHNICAL CONSULTATION



BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

November 20, 1989

COUNTY OFFICE BLDG.
111 N. CHESAPEAKE AVE.
TOWSON, MARYLAND 21204

MEMBERS

Bureau of Engineering
Department of Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. & Mrs. Joseph E. Rhodes
6 Meadow Mist Court
Reisterstown, MD 21136

RE: Item No. 68, Case No. 90-201-A
Petitioner: Joseph E. Rhodes, et ux
Petition for Zoning Variance

Dear Mr. & Mrs. Rhodes:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner



Your petition has been received and accepted for filing this

28th day of September, 1989.

J. Robert Haines
ZONING COMMISSIONER

Received by:

JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

Petitioner: Joseph E. Rhodes, et ux

Petitioner's Attorney:

